

1 SENATE BILL 291

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

3 INTRODUCED BY

4 Pete Campos

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10 AN ACT

11 RELATING TO HEALTH; CREATING A BIRTHING WORKFORCE RETENTION
12 FUND FOR ASSISTANCE WITH MALPRACTICE PREMIUMS FOR CERTIFIED
13 NURSE-MIDWIVES AND PHYSICIANS WHO PROVIDE BIRTHING SERVICES TO
14 LOW-INCOME NEW MEXICANS; MAKING AN APPROPRIATION.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 Section 1. BIRTHING WORKFORCE RETENTION FUND CREATED.--

18 A. The "birthing workforce retention fund" is
19 created in the state treasury. The purpose of the fund is to
20 provide malpractice insurance premium assistance for certified
21 nurse-midwives or physicians whose insurance premium costs
22 jeopardize their ability to continue their obstetrics practices
23 in New Mexico. The fund shall consist of appropriations,
24 gifts, grants and donations to the fund. The fund shall be
25 administered by the department of health.

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1 B. The department of health shall develop procedures
2 and rules for the application for and award of money from the
3 birthing workforce retention fund, including criteria upon
4 which to evaluate the need of the applicant and the merits of
5 the application. The rules shall require that the applicant be
6 a certified nurse-midwife licensed in New Mexico or a physician
7 licensed in New Mexico and that the applicant demonstrate need
8 by showing that medicaid patients or indigent patients
9 constitute at least one-half of the obstetric practice of the
10 applicant and that malpractice insurance premiums have
11 escalated and threaten the financial stability of the practice.
12 The certified nurse-midwife or physician shall have a
13 malpractice liability insurance policy in force. An award
14 shall not be less than ten thousand dollars (\$10,000).
15 Priority for the awarding of money from the birthing workforce
16 retention fund shall be in the following order:

- 17 (1) to certified nurse-midwives; and
- 18 (2) to family practice physicians and
- 19 obstetricians having a low number of patients.

20 C. Disbursements from the birthing workforce
21 retention fund shall be made by warrant of the department of
22 finance and administration pursuant to vouchers signed by the
23 secretary of health or the secretary's authorized
24 representative. Any unexpended or unencumbered balance
25 remaining in the fund at the end of a fiscal year shall not

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1 revert but shall remain to the credit of the fund.

2 Section 2. APPROPRIATION.--Two hundred fifty thousand
3 dollars (\$250,000) is appropriated from the general fund to the
4 birthing workforce retention fund for expenditure in fiscal
5 year 2009 and subsequent fiscal years to carry out the purposes
6 of the fund. Any unexpended or unencumbered balance remaining
7 at the end of a fiscal year shall not revert to the general
8 fund.

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